

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.22931 of 2017 (O&M)
Decided on:09.05.2022

Rakesh Roshan ...Petitioner

Versus

State of Punjab and others ...Respondents

2. **CWP No.22932 of 2017**

Lakhwinder Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.P.S. Randhawa, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

JAISHREE THAKUR J. (ORAL)

These two writ petitions have been filed seeking to challenge the order of retiring the petitioner Rakesh Roshan and Lakhwinder Singh prematurely by orders dated 04.07.2017 and 24.06.2017 passed by the Senior Superintendent of Police, Pathankot and Senior Superintendent of Police, Gurdaspur respectively, ignoring the rules and regulations as are governed by the Punjab Police Rules and Punjab Civil Services Rules.

By this common order, this Court proposes to dispose of both the writ petitionS, as the petitioners herein are aggrieved against the order of premature retirement without affording the petitioners any opportunity of hearing nor was any show cause notice issued to them.

Learned counsel appearing on behalf of the petitioners would contend that impugned orders have been issued on scrutiny of service record of petitioners and on scrutiny of the same, it has been decided that further continuance of service of the petitioners would not be in public interest and having formed that opinion, a recommendation has been made to retire petitioners prematurely. It is contended that while retiring the petitioners, length of service of the petitioners has not been taken into account. It is further contended that Rule 9.18(2) of the Punjab Police Rules, clearly specifies that previous approval of the State Government is to be obtained in case any police officer, who has completed 10 years' qualifying service is sought to be retired, without giving any reasons. The person competent to invoke Rule 9.18(2) would be the Inspector General of Police, however, in the instant case, without prior approval from the State Government or passing order by a competent person i.e. the Inspector General of Police, petitioners have been retired prematurely.

I have heard learned counsel for the parties and the respondent-State and find that the Senior Superintendent of Police, Pathankot in CWP No.22931 of 2017 and Senior Superintendent of Police, Gurdaspur in CWP No.22932 of 2017 would not be competent to pass order under Rule 9.18(2) of the Punjab Police Rules and therefore, the impugned orders are set aside. The respondents are directed to consider the case of the petitioners afresh within a period of three months from the date of receipt of certified copy of this order.

Both the writ petitions stand disposed of in above terms.

(JAISHREE THAKUR)
JUDGE

May 09, 2022
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No